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DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

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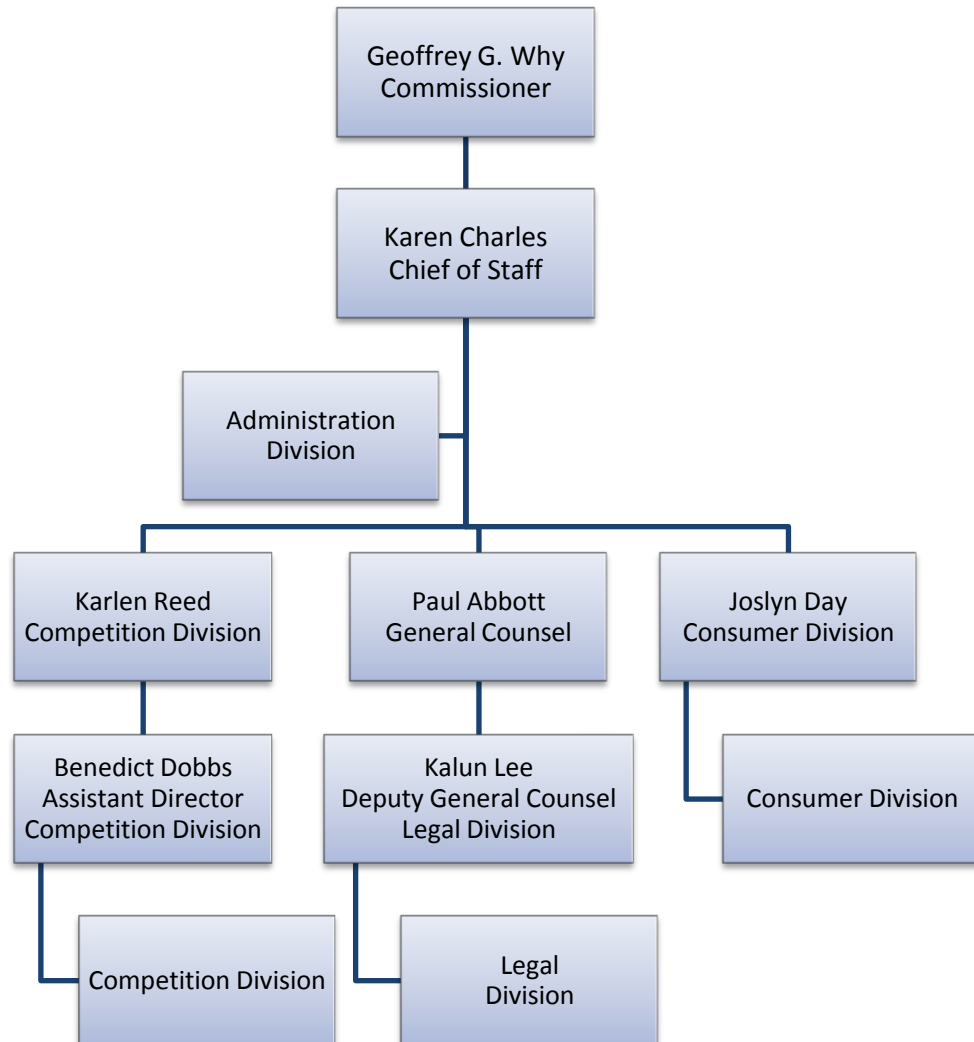
**Massachusetts Department of Telecommunications & Cable
Fiscal Year 2012 Annual Report
Issued: December 20, 2012**

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Organizational Chart

Fiscal Year 2012 Department of Telecommunications and Cable



Background

The Department of Telecommunications and Cable (“Department”) is funded through an annual assessment by telecommunications and cable companies as authorized by the annual General Appropriations Act, line item 7006-0071 and pursuant to Chapter 25C, section 7 of the Massachusetts General Laws (“M.G.L.”) and Article 87 of the Acts of 2007. The Department’s operating budget for Fiscal Year¹ (“FY”) 2012 was \$2.68 million. Any unexpended balances are credited to the following year’s industry assessment.

The telecommunications industry over which the Department has jurisdiction is made up of common carriers, including local exchange carriers, interexchange carriers, operator service providers, and pay-telephone companies. The cable industry in Massachusetts is comprised of 10 cable television providers serving over 2.17 million cable video subscribers in 308 of the Commonwealth’s 351 cities and towns.

The Department’s mission is to: (1) regulate the telecommunications and cable industries in accordance with the statutory obligations imposed by the Commonwealth of Massachusetts and the federal government; (2) ensure that consumers receive high quality communications at just and reasonable rates; (3) promote sustainable competition which will increase consumer welfare for all Massachusetts residents; (4) maintain and enforce consumer protections, consistent with the public interest, particularly where market forces alone are not sufficient to do so, including investigating and responding to inquiries and complaints from consumers and carriers; and (5) provide expert input into the development of telecommunications and cable related policies for the Commonwealth.

The Department’s general responsibilities are:

1) Protect Consumers

- Establish, educate and enforce basic consumer protections (e.g., the Department’s billing and termination requirements, including elderly disconnect rules);
- Mediate consumer complaints, including “cramming,” “slamming,” service quality and other complaints between residential, business, and municipal customers and their service providers;
- Coordinate with the State 911 Department to ensure access to quality telecommunications services for all Massachusetts consumers;

¹ The Commonwealth’s Fiscal Year runs from July 1 to June 30.

- Monitor and implement the federal Universal Service Fund (“USF”) programs, including the Lifeline low-income discount, high-cost Connect America Fund, E-rate and rural health care programs; and
- Review and, where appropriate, approve applications for “eligible telecommunications carrier” (“ETC”) status (ETCs must meet certain service obligations to be eligible to receive federal universal service funds).

2) Promote Competition

- Revise existing policies and develop new policies in response to new technologies and market conditions;
- Collect and compile data on the status of competition in the communications industries in Massachusetts;
- Develop and implement policies that promote competition in areas of the state where it lags;
- Develop and enforce policies to promote wholesale and retail competition; and
- Implement competition-related rule changes consistent with state and federal law.

3) Inform and Advocate

- Analyze major federal legislative and regulatory decisions to evaluate their impact on state regulation of the telecommunications and cable industries, and when appropriate, advocate on behalf of Massachusetts consumers before the Federal Communications Commission (“FCC”) and Congress;
- Explain Department regulations and policies; and provide other information as requested by consumers, carriers, public officials, the Legislature, the Administration, and others;
- Monitor and evaluate proposed state legislation, and provide recommendations to the Administration;
- Participate in regional and national regulatory associations to ensure that Massachusetts interests are represented; and
- Comply with periodic FCC reporting requirements.

Telecommunications Regulation

Regulatory Framework

The federal Telecommunications Act of 1996 (“Telecom Act”) led to major changes in the telecommunications industry and how it is regulated. The increase in competition, spurred in large part by technological innovation, required that the Department adjust its regulations to reflect changes in market conditions and relax its regulations where market forces are sufficient to protect consumer interests, thereby ensuring that the Department continues to promote competition. However, where market forces are not sufficient to safeguard consumer interests, the Department has continued to enforce necessary protections.

The Department has jurisdiction over telecommunications services that originate and terminate within or between Massachusetts’ two federally-designated “Local Access and Transport Areas” (“LATAs”).² The FCC generally regulates interstate and international services.

Department Responsibilities

The Department’s primary telecommunications-related responsibilities are:

1) Enforcing Service Quality Standards

The Department adopted a Retail Service Quality Plan for Verizon retail customers, consisting of twelve service measures in the categories of Installation Service, Maintenance Service, and Service Response. Verizon reports its performance on each of the measures to the Department on a monthly basis. If Verizon’s performance falls below the Department’s threshold, Verizon pays a penalty in the form of a refund to all residential and business customers. Verizon’s service quality is also evaluated at the local level when the Department receives a formal complaint from city or town officials or customers. In 2009, after receiving several complaints from towns in Western Massachusetts, the Department opened a proceeding to investigate Verizon’s service quality in Western Massachusetts municipalities throughout Berkshire, Franklin, Hampden, and Hampshire counties. During 2010, the Department conducted six evidentiary hearings in connection with this investigation. In February 2011, the Department approved a settlement agreement submitted by Verizon and other parties to the case. As part of the settlement agreement, Verizon is assessing deficiencies of its wireline infrastructure and performing related repair work in most rural communities in Western Massachusetts to improve landline telephone service quality. The settlement agreement also subjects Verizon to additional reporting obligations and monitoring by the Department. During 2011 and 2012, Verizon submitted several monitoring reports, which the Department reviewed. Verizon concluded the work required by the settlement agreement in early 2012. By continuing to monitor Verizon’s quality of service, the Department ensures that Verizon, as the primary incumbent local exchange carrier in

² The Western Massachusetts LATA consists of the 413 area code; all other area codes in the State fall under the Eastern Massachusetts LATA.

Massachusetts, allocates sufficient resources for the maintenance of quality service to all customers, regardless of the level of competition the company faces in a particular market.

2) Retail Regulation

In addition to maintaining retail service quality, the Department also develops and enforces policies to promote retail competition, including policies that relax regulation where market forces are sufficient to protect consumer interests. The Department regulates basic Verizon retail services. The Department also regulates rates, services, and practices of four small rural incumbent local phone companies that are considered to have market power in their service territories. The Department also sets rates and monitors service quality for inmate calling services, and ensures that reasonable service quality is provided by all carriers.

3) Public Safety/Network Reliability Regulation

The Department helps to ensure adequate funding of the E-911 network (i.e., oversee the cost of the network and establish the retail surcharge to fund the network) and to provide oversight of the State 911 Department's expenditures, pursuant to Chapter 223 of the Acts of 2008. Additionally, the Department:

- Facilitates quick resolution of wholesale and retail service outages by working closely with carriers;
- Enforces Verizon's major extended service outage rules, which are intended to address prolonged outages affecting 200 or more customers;
- Periodically reviews the adequacy of carrier network reliability plans; and
- Enforces Verizon's central office collocations security rules.

4) Wholesale Regulation

Apart from building their own facilities to serve customers, carriers that wish to compete in the retail telecommunications market have two modes of entry available to them. One of these is to lease unbundled network elements from the "incumbent" local exchange carrier ("ILEC")³ or another carrier and provide service over this leased network. Verizon is the ILEC for all but four towns in Massachusetts. The Department has authority over Verizon's wholesale provision of unbundled network elements to ensure that they are provided in a non-discriminatory manner, and regulates the rates at which they are leased. The other way a carrier can enter the market is to purchase a service from another carrier (usually Verizon) at a predetermined wholesale discount rate, then brand the service with its own name and resell it. The Department develops the wholesale discount rate for Verizon pursuant to FCC methodology.

³ The ILEC is the entity that owned the network prior to the introduction of competition.

The Department plays a key role in setting the wholesale and resale rates at which carriers can lease parts of each other's networks - this applies in particular to incumbent local exchange carriers' networks.⁴ Consistent with the Department's oversight of the wholesale telecommunications market, the Department will:

- Establish the terms and conditions under which facilities-based carriers interconnect their networks, exchange traffic and generally conduct their business relationships;
- Resolve disputes between competing carriers over wholesale rates and service issues;
- Establish and enforce wholesale service quality standards for Verizon through the Performance Assurance Plan so that Verizon does not discriminate against competing carriers in providing wholesale services;
- Set rates at which competitors can resell Verizon's retail services;
- Ensure that competing carriers do not create barriers to consumer choice (e.g., enforce number porting requirements).
- Enforce phone number allocation rules (i.e., monitor use of telephone numbers by carriers and promote number conservation to ensure an adequate supply of telephone numbers for the industry and to prevent the need for new area codes); and
- Coordinate with the Department of Public Utilities to ensure access to rights-of-ways for all carriers by establishing and enforcing rules concerning the rates and access to utility poles and conduits.

5) Market Entry and Exit Regulation

To reduce barriers to market entry and encourage competition for telecommunications service in Massachusetts, the Department has streamlined the registration process for companies wishing to do business as carriers within the Commonwealth. Previously, the Department conducted an investigation into the financial, managerial, and technical abilities of a carrier to offer service. The Department now permits carriers to offer service based simply on the submission of a Statement of Business Operations and a tariff. The streamlined entry process permits the Department to devote greater resources and staff time to other responsibilities. Reviewing the new registrations from companies seeking to provide telecommunications services in Massachusetts and ensuring compliance with Department registration rules ensures quality service offerings. Monitoring market entry and exit includes:

⁴ In Massachusetts, the State's primary incumbent local exchange carrier is Verizon Massachusetts.

- Reviewing individual tariff filings that would implement new service offerings or change the rates, terms or conditions of existing service offerings;
- Enforcing entry requirements to ensure that no carriers are operating illegally in Massachusetts; and
- Facilitating a smooth, orderly process when carriers discontinue services or exit the market entirely to prevent disruption of service to customers.

6) Payphone Providers

In addition to Verizon, some companies own and operate payphones in Massachusetts. In a 1986 Order, the Department held that all payphones must have labels clearly identifying the owner/operator of the phone, and must provide free access to 911 and directory assistance. The Department ensures that Verizon provides the lines necessary to provide payphone service on a non-discriminatory basis to all companies seeking to offer the service. During FY 2012, the Department registered two new payphone providers. Payphone providers are not required to file tariffs.

FY 2012 Telecommunications-Related Accomplishments

During FY 2012, the Department conducted the Massachusetts Broadband Conference, held November 8, 2011 at Suffolk Law School, and hosted the Massachusetts Broadband Institute (“MBI”). Additionally, the Department provided continued support to the development of Governor Patrick’s Broadband Initiative. This support included assistance to the Massachusetts Broadband Institute (“MBI”) and its work to develop a “middle-mile” infrastructure in Western Massachusetts based on its successful federal Broadband Technology Opportunities Program grant and the \$40 million Massachusetts Broadband Incentive Fund. Moreover, the Department provided support and guidance to MBI on various state and federal regulatory matters, and the Commissioner sits on the MBI’s Board of Directors.

Cable Regulation

Regulatory Framework

Cable television is regulated at the local, state, and federal level. The Department regulates cable services principally pursuant to its enabling legislation, M.G.L. c. 166A, and implementing regulations at 207 C.M.R. § 1.00 et seq. In recent years, new entrants have emerged in the marketplace, such as competitive overbuilders and municipally-owned companies. Principal among these competitive providers are telephone companies that have begun offering video service, as well as high-speed internet service, in competition with incumbent cable operators. The cable industry is now a \$2.27 billion industry in Massachusetts providing service in 308 of the Commonwealth’s cities and towns.

Department Responsibilities

The Department's primary cable-related responsibilities are:

- Oversight of cable television franchising, franchise renewal, and the transfer of cable franchises within the Commonwealth;
- Establish basic service tier programming, equipment, and installation rates for communities in Massachusetts that have requested rate regulation;
- Enforce consumer protection standards; and
- Collect, compile, and maintain statistical data from cable providers on, among other things, consumer complaints, rates, terms and conditions, market share, and financial performance.

Oversight of Municipal Cable Franchising

In Massachusetts, local municipalities act as the issuing authorities and negotiate and grant cable licenses, while the Department retains oversight authority in licensing matters. The Department conducts an extensive educational program for communities involved in the licensing process, regarding the applicable substantive and procedural requirements at the local, state, and federal levels. When licensing disputes arise at the local level, the Department can facilitate discussions between cable operators and municipalities, and provide appellate review of final local level decisions.

Rate Regulation

The Department regulates subscribers' rates for basic service tier programming, equipment, and installation in those Massachusetts communities that: (1) have requested rate regulation; and (2) do not have effective competition, as determined by the FCC. The Department reviews the proposed basic service tier rates to determine whether such rates are just and reasonable and in compliance with applicable federal law. Pursuant to federal law, the Department does not regulate rates for expanded cable or premium services.

In FY 2012, the Department reviewed basic service tier programming, equipment, and installation rates in the 187 rate-regulated communities of Massachusetts. The Department issued several rate orders, with respect to basic service tier programming, installation, and equipment rates applicable in these municipalities.

Consumer Protection and Education

The Department investigates and resolves individual consumer complaints, either by informal negotiation between the consumer and the cable operator or by formal adjudicatory proceedings. The Department also tracks patterns of complaints in order to identify and resolve more widespread problems.

The Department has regulations designed to afford consumer protections to cable subscribers, particularly with respect to billing and termination of service. The Department requires each cable operator to make annual filings to ensure compliance with these consumer protection regulations. Through dedicated telephone lines, published consumer information, fact sheets, and a consumer-friendly website, the Department serves as a source of information for consumers seeking to understand the options available to them, particularly as competition among cable operators increases across the Commonwealth.

FY 2012 Cable-Related Accomplishments

Cable-related accomplishments in FY 2012 include:

- Basic Tier Programming and Equipment Rates

As part of its regular review, the Department reviewed basic service tier programming and equipment rates for rate-regulated Massachusetts communities in FY 2012.

- Initial Licensing by Competitive Cable Provider

In FY 2012, no Massachusetts communities granted an initial license to a Competitive Cable Provider. As of the close of FY 2012, 116 communities are being served by an incumbent cable provider and at least one competitive cable provider.

- The Department did not ordered cable rate-related refunds in FY 2012

Administration Division

Overview

The Administration Division provides administrative support to the Department.

Division Responsibilities

Finance

The Division handles budget preparation and controls, purchasing, accounts receivable and accounts payable, payroll, and other administrative financial services. The Department's budget for FY 2012 was \$2.68 million. Revenue collected during that same period was \$4.97 million of which \$1.75 million was returned to the General Fund from revenue sources that include telecommunications and cable filing fees.

Human Resources

In conjunction with the Office of Consumer Affairs and Business Regulation, the Division is responsible for payroll actions and human resource management.

Legal Support

The Division is responsible for publishing notices of all Department public hearings. In FY 2012, the Department conducted fifteen (15) evidentiary and/or public hearings. The Division also processes all docket filings and Orders issued by the Department including management of record retention. Staff issued fourteen (14) decisions which included: eleven (11) final orders; two (2) interlocutory orders; and one (1) hearing officer ruling in the Department's dockets in FY 2012. Additionally, staff responded to hundreds of requests for information regarding docketed matters.

Information Technology

Division staff oversees the operation of the information technology ("IT") systems, the telephone system, and the website. In FY 2012, IT staff completed infrastructure upgrades to the website and developed databases that facilitate management and tracking of tariffs and annual returns.

Competition Division

Overview

Pursuant to Chapter 19 of the Acts of 2007, the Department's predecessor agency, the Department of Telecommunications and Energy, ceased to exist. Jurisdiction over telecommunications and cable matters was placed in the newly-established Department. All telecommunications and cable authority and cases were initially transferred to the Department's Telecommunications and Cable Television Divisions, respectively.⁵

Shortly thereafter, the Department merged the separate Cable and Telecommunications Divisions to form the Competition Division, in order to increase efficiencies by taking advantage of synergies created by convergence in these industries.

The Competition Division provides technical and analytical support to the Commissioner of the Department, as well as to the Department's Legal, Administration and Consumer Divisions and other Administration officials, in the regulation of the telecommunications and cable industries in Massachusetts. Through its various responsibilities, the Competition Division supports the Department's missions.

⁵ In 1971, the Legislature established the Massachusetts Community Antenna Television Commission ("Cable Commission"). In 1997, the Cable Commission was merged into the Department of Telecommunications and Energy as the Cable Television Division.

Division Responsibilities

Development of Policies that Promote Sustainable Competition and Conform the Level and Type of Regulation to Market Conditions

In conjunction with the Legal Division, Competition Division staff conducts formal and informal policy investigations to ensure that consumers of telecommunications and cable services continue to reap the benefits of competition and that such competition accrues to all residents of Massachusetts. In addition, Competition Division staff safeguards consumers by implementing new regulatory policies to ensure that the rates, terms, and conditions of telecommunications and cable services are just and reasonable, where market forces alone cannot do so. Competition staff drafted discovery questions to and reviewed discovery responses from companies involved in Departmental investigations throughout FY 2012. The Competition Division assisted the Legal Division staff in preparing and finalizing orders relating to on-going investigations. A developing body of regulatory actions which has absorbed much of the Competition Division's energies is the burgeoning list of ETC applicants by prepaid wireless providers for federal USF Lifeline.

Analysis and Implementation of Major Federal Regulatory Changes

Decisions of the FCC, Congress, and state and federal courts affect the structure of the telecommunications and cable industries and the Department's authority to regulate those services. Competition Division staff monitors large volumes of relevant case law and actions from other agencies and jurisdictions, both federal and state, to keep abreast of major issues that may influence the provision of telecommunications and cable services within Massachusetts. Competition Division staff also monitors broadband-related activities, since it is increasingly becoming the pipeline by which telecommunications and cable services are being provided to Massachusetts consumers and is a major focus of many FCC reform proceedings.

In 2011, Competition Division staff devoted substantial time assisting the Commission and other Department staff in developing and executing a day-long conference on broadband issues. This Conference, the Massachusetts Broadband Conference, took place November 8, 2011 at the Suffolk University School of Law in Boston. Competition Division staff also devoted substantial time towards reviewing and advocating before the FCC regarding its transformation of the Universal Service Fund (USF) to the Connect America Fund (CAF). In addition to educating Department, Administration and MBI staff regarding the key components of the proposed CAF transition plan, Competition Division staff prepared and filed comments and other advocacy filing pieces with the FCC regarding the CAF. This advocacy highlighted Massachusetts consumers' and industry interests and how they would be affected by proposed changes to the USF. The Competition Division participated in other FCC dockets, targeting those which affected the Department's ability to review and evaluate carrier petitions for Eligible Telecommunications Carrier (ETC) status. ETC status is necessary for carriers to receive high-cost or low income federal support from the USF/CAF. In FY 2012, the Competition Division, with assistance from Legal Division and Consumer Division staff as needed, submitted 17 sets of comments and ex parte filings in several proceedings

of particular importance to Massachusetts. A list of these filings and their summaries are provided as Appendix C to this Report.

Review of New Registrations and of Original and Amended Tariff Filings

Companies wishing to do business and provide telecommunications services in Massachusetts must file a Statement of Business Operations and a tariff with the Department. The statement includes a general description of the services to be offered by the carrier; contact information for customers who need to reach the carrier with questions or complaints; and a statement that the company has made all appropriate federal and state income tax filings and paid all income taxes. During FY 2012, the Competition Division handled filings from 25 new carriers and no new payphone providers.

Some tariffs are relatively short, but others are lengthy and complex. Competitive carriers are free to determine prices and service offerings based on what the market will bear ("market-based pricing"). The Competition Division reviews competitive carriers' tariffs to make sure that they do not contain any terms or provisions that are in violation of Department policy (e.g., a carrier cannot offer service on the condition that a customer agrees not to contest any charges).

Enforcement - General

The Competition Division, in cooperation with the Legal Division, enforces a wide variety of laws, regulations, and policies. In FY 2012, Competition Division staff conducted technical analyses in Department enforcement proceedings, both formal and informal. More specifically, the Competition Division continued to ensure that telecommunications and cable providers were complying with state statutes, rules, Department orders, and all other regulatory requirements. For example, the Competition Division continued its 2005-09 annual returns investigation and enforcement actions against carriers operating without Department approval. The Department's methods for ensuring compliance can include mass mailings notifying the industry of Department rules and regulations; issuing Notices of Probable Violation ("NOPVs"); opening investigations; issuing Orders to cease and desist; assessing forfeitures for non-compliance, and referring violators to the Attorney General's Office for prosecution.

Market Monitoring and Reporting Function:

The evolution of the telecommunications and cable industries in Massachusetts has resulted in many new telecommunications service providers, new technologies, such as fixed Voice over Internet Protocol ("VoIP") telephone service, and a plethora of new service offerings. In addition, the competitive landscape is constantly changing, with new types of competitors and individual companies taking on a greater or lesser role in the marketplace each year. Because of the changing nature of the telecommunications and cable industries, the Competition Division analyzes new technologies and market developments in order to determine their impact on consumers and the competitive marketplace.

Consumer Education and Public Information

The Competition Division devotes substantial staff time to explaining the Department's regulations and policies to potential and existing providers of telecommunications and cable services, local and state officials, state and federal legislators, other Massachusetts agencies, the FCC and other state public utility commissions, and various other constituencies. Staff also devotes significant time to consumer inquiries and refers consumers to the Consumer Division for additional assistance. From time to time, the Department requires telecommunications carriers to develop customer education materials explaining major changes in the provision of services. The Competition Division reviews these education materials for technical accuracy. As needed, staff develops educational materials in response to industry changes, Consumer Division requests, or Department Orders. In FY 2012, Competition Division staff assisted in the Department's ongoing investigation into consumer protection rules.

Legal Division

Overview

The Legal Division staff serves as the chief legal and policy advisor to the Commissioner and provides legal support to all Divisions of the Department. Legal Division staff members serve as hearing officers presiding over most of the Department's adjudicatory hearings.

Division Responsibilities

Formal Adjudication

Pursuant to M.G.L. c. 25C, § 4, which permits the Commissioner to designate employees of the Department to preside over Department hearings, Legal Division staff attorneys serve as hearing officers at Department adjudicatory proceedings conducted under the Massachusetts Administrative Procedures Act (M.G.L. c. 30A) and the Department's procedural regulations (220 C.M.R. § 1.00 et seq.). During FY 2012, the Legal Division participated in the issuance of 11 Final Orders. A list of the Orders issued is attached as Appendix A. Adjudications are the formal determination of parties' rights through an administrative hearing process. All parties –the party(ies) filing the action and any respondents or intervenors – are entitled to due process safeguards, meaning that the parties are entitled to adequate notice and the opportunity to be heard. Parties to the action have the right to present evidence, cross-examine witnesses, and receive a written decision from the Department.

Adjudicatory proceedings vary in complexity, including the following types of proceedings:

- Service quality issues;
- Ratemaking, including cable rate and telecommunications tariff orders;

- “Slamming” (unauthorized switch of a consumer’s telecommunications service);
- Interconnection disputes between telecommunications carriers;
- Certification of telecommunications carriers to do business within the Commonwealth;
- Certification of telecommunications carriers as “eligible telecommunications carriers” entitled to receive Universal Service Funds from the federal government; and
- Formal Consumer Adjudications.

In conducting a formal adjudicatory proceeding, the Department generally holds two types of hearings: (1) a public hearing, and (2) an evidentiary hearing. Public hearings are publicized throughout the provider's service territory. In certain types of cases, public hearings are conducted in a provider's service territory. Public hearings are transcribed by a stenographer. If conducted in a provider's service territory, public hearings are typically conducted during the evening in an easily accessible public building such as the Town Hall, and are overseen by a Presiding Officer. Otherwise, public hearings are typically conducted at the Department's Boston office, or another convenient downtown Boston location. The public hearings afford local consumers the opportunity to learn more about a rate request, offer their input about the pending case, and comment on the practices of the provider. Residential and business customers, as well as Municipalities are a valuable source of information to the Department in developing a case record.

Evidentiary hearings are conducted in a courtroom setting in the Department's Boston office. These proceedings are also transcribed by a stenographer. The Commissioner or a hearing officer presides over evidentiary hearings, with the active participation of the Department's technical and legal staffs. Staff members question witnesses to ensure that the record is accurate and complete, while the Commissioner or hearing officer controls the conduct of the proceeding.

While the adjudicatory process does not require adherence to all formal rules of evidence, the evidentiary hearing process follows rules that mirror many of the civil procedure rules used by Massachusetts courts, and parties are typically represented by counsel.

Evidentiary hearings afford all parties, including intervenors, the opportunity to question witnesses. In many cases, the Attorney General of the Commonwealth is an intervenor. Other intervenors may include public interest organizations and local consumer, business, or neighborhood groups. Sometimes intervenors put on a direct case with witnesses of their own. Based on the evidence in the record, the Department issues a Final Order at the conclusion of each adjudicatory proceeding. Pursuant to M.G.L. c. 25, § 5 and M.G.L. c. 166A, § 2, the Department's Final Orders are reviewed directly by the Massachusetts Supreme Judicial Court. In certain circumstances, Department Orders may also be appealed to the Federal District Court or the FCC.

Other Types of Adjudication

Requests for Advisory Ruling

The Department is sometimes called upon to issue advisory rulings with respect to the applicability of any statute or regulation enforced or administered by the Department. The Department has discretion to decline a request for an advisory ruling. See M.G.L. c. 30A, § 8; 220 C.M.R. § 2.08.44.

Rulemaking

The Department conducts rulemaking pursuant to M.G.L. c. 30A, §§ 4-10 and 220 C.M.R. § 2.00, to adopt, amend or repeal regulations pertaining to the activities of all industries the Department is charged by statute with regulating. A rulemaking proceeding may involve simple procedural regulations or may address complex regulatory issues. The Department is required to provide public notice of a proposed rulemaking and to allow an opportunity for public comment. After consideration of the public comment, the Department may issue final regulations. Any final regulation must be published in the Code of Massachusetts Regulations.

Consumer Division

Overview

The Consumer Division's primary responsibilities include enforcing and monitoring compliance with Massachusetts laws and Department regulations and policies to protect consumers of telecommunications and cable services. Hundreds of companies fall within the scope of the Consumer Division's regulatory authority, with the largest number in the telecommunications industry.

Since September 2009, the Consumer Division has primarily handled issues involving telecommunications and cable. However, due to its former role handling energy-related issues on behalf of the Department of Public Utilities ("DPU"), the Consumer Division continues to provide assistance to consumers seeking to contact the DPU with either referrals to that agency or transferring them directly to their energy utility using Nuance, our automated telephone system. See Attachment B for the breakdown of Consumer Division statistics for companies related to telecommunications, cable and other industries which include those that were DPU energy-related.

Division Responsibilities

Enforce Residential Consumer Protections Rules:

- Inform consumers of their rights
- Ensure Company's compliance with billing and termination rules
- Assures consumers have a place to go to dispute their bills
- Intervenes to resolve poor quality service issues and/or service interruptions

Respond to Consumer Inquiries

The Consumer Division conducts informal complaint investigations, responds to inquiries, and participates in the critical role of informing and educating consumers about various technological changes affecting their telecommunications and cable services. The Consumer Division's most important duty is to respond to the roughly 80 telephone contacts it receives daily. Consumers may contact the Division by telephone, mail, email, and fax or by visiting the office, although the vast majority of consumer contacts are made by telephone. Contacts to the Consumer Division are further categorized as either inquiries or referrals, for which we provide information, or complaints which we investigate as cases that require direct involvement with consumers' service provider.

The Consumer Division operates a call management telephone system allowing consumers to receive personal and prompt attention by staff to answer inquiries and complaints, while also permitting for the option of automated voice response assistance to those consumers who initially wish to speak directly with their service provider. The call management system assists with making Consumer Division Specialists more readily available to those callers requiring Consumer Division expertise. It also allows for a menu recorded in Spanish for those callers that wish to speak to a representative in their native language.

The Consumer Division receives a number of contacts that the Division classifies as "unregulated matters." These contacts typically consist of miscellaneous issues that are either unassociated with a particular company or involve non-regulated issues or entities outside of the Division's jurisdiction. Examples of such "unregulated matters" include contacts relating to wireless, satellite, internet, VoIP, telemarketing, and collection agency practices.

Investigate and Resolve Consumer Complaints

The majority of complaints received in the Consumer Division concern billing disputes, or quality of service allegations. In cases where the company is found to be at fault, the Consumer Division will order the company to correct the problem and make any necessary refunds or credits to consumer bills.

Every complaint opened by the Consumer Division must be resolved before it can be closed. If the residential telephone consumer or the service provider is not satisfied with the investigator's resolution of a complaint, a request for additional mediation via an informal hearing is scheduled within the Consumer Division. Parties dissatisfied with the informal written decision issued on the complaint may request a formal adjudicatory hearing conducted by a hearing officer in the Department's Legal Division

The unauthorized switching of a consumer's telephone service provider is known as "slamming" and is a violation of state law M. G.L. ch. 93 §§108 to 113. Companies that engage in slamming may be subject to a fine. The Consumer Division enforces both federal and state laws prohibiting "slamming". If the Department determines that an unauthorized switch has occurred, consumers will receive a refund of any unauthorized charges that they paid. Under Massachusetts law, consumers must bring telephone service slamming complaints within 90 days.

Advise the Department

The Consumer Division alerts the Department to important consumer issues including significant complaint trends and new company practices which may impact consumers. Recent complaints about deceptive marketing and advertising practices of promotional offers have caused the Department to examine more closely the full disclosure and notice requirements. Also, the Division evaluates its existing billing and termination rules for residential telephone consumers to better assist with customer service standards for telecommunications, cable, and emerging technologies.

Review Bills and Notices

The Consumer Division reviews certain telecommunication and cable company billing material and customer notices to ensure that they provide consumers with clear and accurate information.

Provide Consumer Education

The Department's website is regularly updated to provide consumers with information about significant complaint trends, (examples include Cramming, Slamming, Spoofing, and Lifeline), to educate the public and protect consumers against scams, unauthorized charges or unfair billing practices. Also, the Consumer Division fields many calls from consumers requesting information or applications about Lifeline program to obtain a discount on their landline or wireless telephone service. The Consumer Division actively participates in outreach events to promote awareness and increase consumer participation in Lifeline as well as to be informed of their consumer protections. The Consumer Division along with Administration regularly provides targeted communities with mass mailings of its brochures.

Statistics

The Consumer Division provides statistical information to the Department, industry-related companies, government representatives and the media. The statistical complaint data compiled by the Consumer Division provides an important basis for determining whether fines should be levied against a company for failure to meet required service quality benchmarks. Statistical complaint data may also provide evidence of fraud or unfair trade practices, and if so this information would be shared with the state Attorney General's Office.

FY 2012 Telecommunications and Cable Accomplishments

- Responded to 25,824 inquiries;
- Investigated 2,783 telecommunication and cable complaints along with 265 unregulated industries complaints;
- Authorized \$102,204.45 consumer refunds;
- Monitored complaint trends and advised the Department on important consumer issues;
- Approved various bill notices and billing inserts;
- Provided consumer education and outreach forums to promote awareness of Lifeline discounted telephone program and prepared Lifeline brochures for mass distribution;
- Distributed the Cable Service Buying Guide to assist consumers to understand making purchases for cable service;
- Compiled statistics for reporting and informational purposes; and
- Participated in 11 consumer outreach initiatives including, a national effort to increase awareness of Lifeline by hosting outreach events in September 2011 in Lawrence, Worcester, and Boston.

The Consumer Division assisted consumers with energy-related matters by referring them to the DPU or directly to the appropriate utility company.

- Responded to 1,320 energy related contacts for the year

Additionally, the Consumer Division assisted consumers with issues that are outside of the Department's jurisdiction (e.g., wireless, satellite television, internet, VoIP, etc.) by contacting their company to inform and/or resolve the issue.

- Responded to 398 contacts for the year;
- Investigated 204 complaints for the year; and
- Authorized \$7,328.93 consumer refunds for the year.

Note: The Consumer Division's contact numbers for the year include calls received that were transferred directly to companies through the Department's automated telephone software. Through this software, callers are directly transferred to a utility company or a telecommunications or cable provider of their choice simply by speaking the name of the company they wish to contact. In 2012, approximately 14,885 consumers were re-directed to the appropriate company for assistance.

Appendix A

FY 2012 Department Orders Issued

| Docket No. | Caption | Date Order Issued | Date Closed |
|------------|--|-------------------|-------------|
| 06-1 | Competitive Franchise Rulemaking - Petition by Verizon New England Inc. to commence a rulemaking pursuant to M.G.L. c. 30A, § 4, c. 166A, § 16, and 207 C.M.R. § 2.01(1) to amend 207 C.M.R. § 3.00 et seq.: Licensing. | 7/6/2011 | 7/26/2011 |
| 06-8 | Investigation by the Department of Telecommunications and Energy on its own Motion to establish Retail Billing and Termination Practices for Telecommunications Carriers. | 6/30/2011 | 7/20/2011 |
| 10-11 | Virgin Mobile USA, L.P. -- Petition for Limited Designation as an Eligible Telecommunications Carrier in the State of Massachusetts. | 9/9/2011 | 9/29/2011 |
| 10-10 | Cox Communications annual rate filing proceeding for the community of Holland MA | 10/12/2011 | 11/11/2011 |
| 10-5 | Petition of Verizon New England for amendment to its PAP Audit. | 11/18/2011 | 12/8/2011 |
| 11-3 | Conexions LLC., d/b/a Conexion Wireless' Petition for Designation as an Eligible Telecommunications Carrier | 11/3/2011 | 11/3/2011 |
| 10-9 | Time Warner Cable -- Petition of Time Warner Cable for Review of FCC Form 1240 and Form 1205 for the Great Barrington, North Adams and Pittsfield Systems | 10/31/2011 | 11/20/2011 |
| 11-14 | In re Petition of Cellco Partnership, d/b/a Verizon Wireless, New Cingular Wireless PCS, LLC d/b/a AT&T Mobility, T-Mobile Northeast LLC, Sprint Spectrum L.P., Nextel Communications of Mid-Atlantic, Inc., Virgin Mobile USE, L.P. and CTIA – The Wireless Association, to Investigate Global Tel*Link Corporation Tariff Revision for M.D.T.E. Tariff No. 2, Pursuant to G. L. c. 159, § 14, and 220 C.M.R. § 1.04(1)(d). | 11/4/2011 | 11/24/2011 |

| Docket No. | Caption | Date Order Issued | Date Closed |
|-------------------|--|--------------------------|--------------------|
| 10-2 | Choice One Communications -- Petition of Choice One Communications of Massachusetts Inc., Conversent Communications of Massachusetts Inc., CTC Communications Corp. and Lightship Telecom LLC for Exemption from Price Cap on Intrastate Switched Access Rates as Established in D.T.C. 07-9. | 1/5/2012 | 1/25/2012 |
| 10-8 | 2009 Comcast Rate Forms -- FCC Forms 1240 & 1205 for the Massachusetts communities currently served by Comcast Cable Communications, LLC, and Subject to Rate Regulation | 1/27/2012 | 2/16/2012 |
| 11-9 | TracFone Audit -- 2011 Annual Lifeline Certification and Verification for Massachusetts, on behalf of TracFone Wireless | 1/27/2012 | 2/16/2012 |

Appendix B
FY 2012 Consumer Division Telecommunications & Cable Statistics

| INDUSTRY | COMPANY | CASES | REFERRAL | NUANCE | ADJUSTMENTS |
|--------------------|---|--------------|--------------|---------------|--------------------|
| CABLE | | | | | |
| | CHARTER CABLE | 74 | 62 | 149 | \$3,198.24 |
| | COMCAST CORP. | 1,018 | 1,879 | 8,976 | \$28,512.86 |
| | Other Cable | 1 | 0 | 0 | \$0.00 |
| | RCN Cable | 47 | 421 | 1,725 | \$2,337.74 |
| | RUSSELL CABLE | 1 | 0 | 9 | \$0.00 |
| | SHREWSBURY CABLE | 1 | 1 | 4 | \$0.00 |
| | TIME WARNER CABLE | 12 | 24 | 127 | \$53.30 |
| | Tufts University Cable | 0 | 0 | 7 | \$0.00 |
| | TOTAL | 1,154 | 2,387 | 10,997 | \$34,102.14 |
| NOT APPLICABLE | | | | | |
| | AT&T WIRELESS | 11 | 6 | 0 | \$29.97 |
| | Cellular service | 0 | 1 | 0 | \$0.00 |
| | Department of Public Utilities | 4 | 463 | 857 | \$0.00 |
| | DirectTV | 9 | 39 | 0 | \$0.00 |
| | DISH NETWORK - SATELLITE TV | 3 | 10 | 0 | \$0.00 |
| | DO NOT CALL LIST | 4 | 13 | 0 | \$0.00 |
| | OTHER | 7 | 2 | 0 | \$0.00 |
| | SPRINT WIRELESS | 0 | 0 | 0 | \$0.00 |
| | T-Mobile | 14 | 2 | 0 | \$1,904.72 |
| | VERIZON DSL | 72 | 17 | 0 | \$2,038.74 |
| | VERIZON FIOS | 80 | 11 | 0 | \$2,770.04 |
| | VERIZON WIRELESS | 29 | 25 | 0 | \$1,912.52 |
| | VONAGE -VOIP SERVICES | 2 | 1 | 0 | \$0.00 |
| | TOTAL | 235 | 590 | 857 | \$8,655.99 |
| TELECOMMUNICATIONS | 01 Communications of Massachusetts, LLC | 0 | 1 | 0 | \$0.00 |
| | ACCXX COMMUNICATIONS | 0 | 1 | 0 | \$0.00 |
| | ACN | 2 | 4 | 0 | \$336.47 |
| | American Tel Corporation | 1 | 1 | 0 | \$0.00 |
| | AMERICAN TELECOM SYSTEMS, INC. | 1 | 0 | 0 | \$176.00 |

| INDUSTRY | COMPANY | CASES | REFERRAL | NUANCE | ADJUSTMENTS |
|------------------|--|-------|----------|--------|-------------|
| TELECOM (cont.) | America's Tele-Network, Corp. | 0 | 1 | 0 | \$0.00 |
| | Assurance Wireless by Sprint | 134 | 708 | 0 | \$0.00 |
| | AT&T | 83 | 71 | 208 | \$4,116.97 |
| | Bay Ring Communications | 1 | 0 | 0 | \$0.00 |
| | Birch Communications Inc | 3 | 0 | 0 | \$0.00 |
| | BROADVIEW NETWORKS | 9 | 0 | 0 | \$1,363.03 |
| | CHARTEL (Charter Fiberlink Telecom) | 4 | 4 | 0 | \$0.00 |
| | CHOICE ONE COMMUNICATIONS dba One Comm | 2 | 0 | 0 | \$0.00 |
| | Clear Rate Communications | 0 | 0 | 0 | \$0.00 |
| | Comcast Phone, LLC | 13 | 5 | 31 | \$100.82 |
| | Consumer Telecom, Inc | 1 | 0 | 0 | \$0.00 |
| | Cordia Communications Corp. | 8 | 8 | 0 | \$934.68 |
| | Cox Communications | 0 | 0 | 32 | |
| | Digizip.com | 1 | 0 | 0 | \$0.00 |
| | DSCI Corporation | 1 | 0 | 0 | \$0.00 |
| | Enhanced Services Billing, Inc. | 5 | 1 | 0 | \$516.75 |
| | Evercom Systems, Inc. | 1 | 0 | 0 | \$0.00 |
| | Excel/Vartec | 1 | 0 | 0 | \$0.00 |
| | FCC | 0 | 21 | 0 | \$0.00 |
| | Global Crossing Telecom | 2 | 2 | 0 | \$14.62 |
| | GLOBAL Tel*Link Corporation (GTL) | 106 | 0 | 0 | \$0.00 |
| | Granby Telephone Company | 2 | 6 | 3 | \$21.00 |
| | Granite Telecommunications, LLC | 1 | 0 | 0 | \$0.00 |
| | IDT Corporation | 1 | 1 | 0 | \$0.00 |
| | ILD - Evercom - Talton - Invision | 11 | 2 | 0 | \$193.64 |
| | IMR Telecom | 1 | 1 | 0 | \$0.00 |
| | LDC Telecommunications, Inc. | 1 | 0 | 0 | \$0.00 |

| INDUSTRY | COMPANY | CASES | REFERRAL | NUANCE | ADJUSTMENTS |
|-----------------|---|-------|----------|--------|-------------|
| TELECOM (cont.) | Legacy Long Distance International Inc | 1 | 0 | 0 | \$0.00 |
| | Legent Communications Corp. dba/Long Distance America | 1 | 0 | 0 | \$216.56 |
| | Level 3 Communicationsb LLC | 2 | 0 | 0 | \$0.00 |
| | Lifeline Applications and Issues | 28 | 10 | 0 | \$0.00 |
| | Massachusetts Local Telephone Company, Inc. | 0 | 0 | 0 | \$0.00 |
| | Matrix Telecom, Inc. | 0 | 0 | 0 | \$0.00 |
| | MCI-Agency Relations | 2 | 1 | 22 | \$6,380.14 |
| | Metropolitan Telecommunications | 3 | 1 | 0 | \$75.01 |
| | New Horizon Communications Corp | 1 | 0 | 0 | \$0.00 |
| | Northstar | 1 | 2 | 0 | \$0.00 |
| | NOS Communications, Inc. | 1 | 0 | 0 | \$100.33 |
| | One Touch Communications dba Spectrotel | 2 | 0 | 0 | \$19.85 |
| | One Touch Communications | 5 | 5 | 0 | \$80.87 |
| | OPERATOR ASSISTANCE NETWK | 2 | 0 | 0 | \$0.00 |
| | OTHER COCOTS | 2 | 1 | 0 | \$0.00 |
| | OTHER TELEPHONE CO. | 15 | 16 | 0 | \$274.45 |
| | PaeTec Communications, Inc. | 1 | 0 | 0 | \$0.00 |
| | PaymentOne | 3 | 0 | 0 | \$724.66 |
| | Pioneer Telephone dba Telecom Management Inc. | 1 | 0 | 0 | \$0.00 |
| | Primus Telecommunications, Inc. | 1 | 4 | 0 | \$0.00 |
| | Qwest Communications | 2 | 0 | 0 | \$0.00 |
| | RCN Telephone | 10 | 22 | 0 | \$92.83 |
| | Richmond Networx | 1 | 0 | 1 | \$0.00 |
| | SafeLink by TracFone | 77 | 71 | 0 | \$0.00 |
| | Silv Communications Inc. | 1 | 0 | 0 | \$0.00 |
| | Spectrotel, Inc. | 2 | 0 | 0 | \$0.00 |

| INDUSTRY | COMPANY | CASES | REFERRAL | NUANCE | ADJUSTMENTS |
|------------------|---------------------------------------|--------------|--------------|---------------|---------------------|
| TELECOM (cont.) | SPRINT | 4 | 6 | 35 | \$662.89 |
| | Startech Global Communications | 0 | 1 | 0 | \$0.00 |
| | Taconic | 0 | 0 | 8 | \$0.00 |
| | Telecom | 0 | 1 | 0 | \$0.00 |
| | Teleuno, Inc. | 0 | 1 | 0 | |
| | UnitedTel | 1 | 0 | 0 | \$81.98 |
| | USBI | 8 | 2 | 0 | \$126.08 |
| | VERIZON | 1,051 | 1,976 | 7,684 | \$41,358.11 |
| | Working Assets Long Distance | 0 | 1 | 0 | \$0.00 |
| | XO Communications, Inc. | 2 | 1 | 0 | \$0.00 |
| | ZEROPLUS aka ZPDI | 1 | 2 | 0 | \$0.00 |
| | Zone Telecom, Inc. | 1 | 0 | 0 | \$0.00 |
| | TOTAL | 1,629 | 2,962 | 8,024 | \$57,967.74 |
| UNKNOWN | UNKNOWN | 19 | 1 | 0 | \$444.27 |
| | Unregulated Industry | 11 | 6 | 0 | \$1,034.31 |
| | TOTAL | 30 | 7 | 0 | \$1,478.58 |
| | | | | | |
| | Grand Total for all industries | 3,048 | 5,946 | 19,878 | \$102,204.45 |

Appendix C

FY 2012 Department FCC Filings

Note: All Department filings are available through the Department, as well as through the FCC's publicly-accessible Electronic Comment Filing System, which is available online at:

<http://apps.fcc.gov/ecfs/>.

| Date Filed | Filed As | FCC Docket | Filing Type | Filing Description |
|------------|----------|---|--|---|
| 6/29/12 | MDTC | CG 03-123 | Compliance | The MDTC filed its annual TRS, MassRelay, and CapTel complaint logs for 2011 – 2012. |
| 6/25/12 | MDTC | CC 98-170, CG 09-158, CG 11-116 | Comments | The MDTC filed initial comments in response to the FCC's further notice of proposed rulemaking on cramming. The MDTC urged the FCC to give all customers free third-party blocking services, consider creating a "Do-Not-Cram" central registry, and permit a "white listing" of acceptable third-party service providers. |
| 5/30/12 | MDTC | MB 12-1 | Opposition to Petition for Reconsideration | The MDTC filed its opposition to Comcast's petition for reconsideration of an FCC order granting rate regulation in the Boston video market. |
| 5/4/12 | MDTC | WT 10-208, CC 96-45 CC 01-92, GN 09-51, WC 03-109, WC 05-337, WC 07-135, WC 10-90 | Ex parte letter as reply comments | The MDTC filed its notice of ex parte letter in lieu of reply comments concerning Internet protocol (IP) interconnection issues. The MDTC urged the FCC to gradually introduce IP interconnection into the E911 public safety system, retain federal tariffing requirements for IP-IP interconnection agreements, and consider whether an IP interconnection request is technically feasible. |
| 5/1/12 | MDTC | WC 12-23, CC 96-45, WC 03-109, WC 11-42 | Reply comments | The MDTC filed reply comments that responded to initial comments filed regarding the FCC's Lifeline Reform proposal. The MDTC urged the FCC to establish a national eligibility database, clarify the FCC's Lifeline facilities requirements, and support sustainable digital literacy opportunities. |
| 2/24/12 | MDTC | WT 10-208, WC 03-109, CC 96-45, CC 01-92, WC 05-337, WC 07-135, GN 09-51, WC 10-90 | Ex parte Letter and comments | The MDTC filed an ex parte letter responding to oppositions filed against the District of Columbia Public Service Commission's reconsideration request regarding the FCC's proposed Access Recovery Charge (ARC) allocation method. The MDTC urged the FCC to grant the DC PSC petition because the ARC unfairly |

| Date Filed | Filed As | FCC Docket | Filing Type | Filing Description |
|------------|----------|---|-----------------|--|
| | | | | burdens Massachusetts consumers. |
| 2/17/12 | MDTC | WT 10-208, WC 03-109, CC 96-45, CC 01-92, WC 05-337, WC 07-135, GN 09-51, WC 10-90 | Reply comments | The MDTC filed reply comments responding to initial comments filed regarding the FCC's CAF / USF reform efforts. The MDTC urged the FCC to adopt certain measures to prevent incumbents from gaming the system by avoiding state-level commitments or seeking excessive CAF support. In addition, the MDTC encouraged the FCC to not alter state ETC and COLR authority; to require IP-to-IP interconnection; to update its Form 477 and to require a relatively uniform level of reporting from all ETCs. |
| 1/18/12 | MDTC | WT 10-208, WC 03-109, CC 96-45, CC 01-92, WC 05-337, WC 07-135, GN 09-51, WC 10-90 | Comments | The MDTC filed its initial comments responding to the FCC's CAF/USF reform efforts. The MDTC urged the FCC to refine its reverse auction proposals, revise company reporting requirements under Sec. 54.313, and respect state ETC designation authority. |
| 12/05/11 | DTC | WC 11-42 and 03-109 | Reply Comments | The MDTC supported USAC's proposal to adopt a low-income disbursement process for ETCs based on actual support, since such an approach already conforms to existing protocols and would foster better accounting practices and regulatory predictability. The MDTC urged the FCC to accept USAC's proposal to reduce the low-income revision window to six months. Finally, the MDTC encouraged the FCC's Wireline Bureau and OMD to coordinate any reporting changes to those that may arise in the FCC's anticipated low-income order. |
| 11/10/11 | DTC | WC 11-42 and 03-109; CC 96-45 | Ex Parte Notice | Notice of ex parte involving MDTC and FCC staff. Staff discussed issues involved in the FCC's USF low-income support dockets and DTC staff noted certain trends across the states regarding recent limited ETC petitions filed with different state agencies. The letter includes an attachment listing a sample of different recent state ETC petitions. |

| Date Filed | Filed As | FCC Docket | Filing Type | Filing Description |
|------------|----------|--|------------------|---|
| 10/24/11 | Joint | CG 11-116 and 09-158; CC 98-170 | Comments | <p>The MDTC drafted and signed onto comments with NECPUC and the RI Div. of Pub. Utils. (jointly New England Commissions) responding to the FCC's proposed federal cramming rules, urging certain federal cramming protections for consumers of all voice providers, regardless of technology used. These comments provided state-specific breakdowns of cramming numbers and trends and provide a brief snapshot of the state of competition in New England. The New England Commissions supported the “moderate approach” proposed by the FCC, but only if certain requirements were met. The New England Commissions supported timelines and a process for limited waiver in order for carriers to implement the rules that are reasonable but urged the FCC to carefully consider its proposal to include contact information on consumer bills. The comments also encouraged the FCC to consider how its numbering authority could be used to further support cramming rules imposed on voice and third party vendor providers. Finally, the New England Commissions supported a federal-state collaborative approach where (1) the Commission clearly specifies that its new rules would not preempt states’ consumer protection or other regulatory authority; (2) state and federal agencies voluntarily share cramming complaints and data; and (3) the FCC requires providers to report complaint trends and spikes involving specific third-party vendors to appropriate federal and state agencies that so request.</p> |
| 09/16/11 | DTC | WC Docket Nos. 10-90, 07-135, 05-337, 03-109; CC Docket No. 01-92, | Ex Parte Notices | <p>Notices of ex partes conducted between MDTC Commissioner Why and FCC Commissioners Clyburn and Copps, Bureau Chief Sharon Gillett, and other FCC staff.</p> |

| Date Filed | Filed As | FCC Docket | Filing Type | Filing Description |
|------------|----------|---|----------------|---|
| | | 96-45, GN Docket No. 09-51; WC Docket No. 11-42 | | |
| 09/06/11 | DTC | GN 11-121 | Comments | The MDTC responded to the FCC's notice of inquiry on its annual 706 (broadband deployment report). The MDTC urged the FCC to expand its assessment of broadband availability to include all community anchor institutions (CAI) because of the vital nature of these institutions in local communities; to collect broadband pricing data and consider affordability as a factor when evaluating the availability of advanced telecommunications capability; and finally, to maintain the technology-neutral speed benchmark of 4 Mbps download and 1 Mbps upload used in the previous Sixth and Seventh Broadband Progress Reports. |
| 09/02/11 | DTC | WC 11-42; CC 96-45; WC 03-109 | Reply Comments | The MDTC responded to FCC inquiries on 4 additional issues in the Lifeline proceeding. The MDTC generally supported the use of Lifeline funds for a broadband pilot program and encourages the FCC to adopt a pilot framework that is not technology-specific and permits innovative approaches. The MDTC noted that whether an eligible telecommunications carrier (ETC) should be allowed to charge a Link Up activation fee is an active issue in a pending MDTC ETC certification proceeding, but the MDTC respectfully requested that the FCC's upcoming order respect non-default state ETC authority on this issue. The MDTC urged the FCC to also permit states to set higher sampling levels for eligibility verification. Finally, the MDTC urged the FCC to adopt exceptions to the one-per-residence rule to ensure that otherwise eligible consumers in group-living arrangements (such as shelters) |

| Date Filed | Filed As | FCC Docket | Filing Type | Filing Description |
|------------|----------|---|-------------------|--|
| | | | | are not denied support. |
| 08/24/11 | DTC | WC 10-90, 07-135, 05-337, 03-109; CC 01-92, 96-45; GN 09-51 | Comments | The MDTC responded to additional issues raised by the FCC in the comprehensive USF/ICC reform proceedings - in particular responding to the price cap ILEC "ABC Plan". The MDTC discussed MA-specific actions and numbers, especially Massachusetts as a net-contributor state into the federal USF. The MDTC urged the FCC to adopt additional state principles to guide reform involving: (1) consumer benefit; and (2) state roles. MDTC discussed how ABC Plan will increase consumer telephone rates via SLC increases and will likely decrease competition; and that the ABC Plan would inappropriately preempt state authority over intrastate rates, COLR obligations, and ETC designations. Finally, the MDTC urged the FCC to cap the high-cost fund, ensure a more equitable distribution of USF support, and supports a continued state role in USF oversight and data collection. |
| 08/08/11 | DTC | PS 11-82 | Comments | The MDTC supported the FCC's proposal to extend its existing outage reporting requirements to interconnected VoIP providers and broadband ISPs, indicating that such an approach would benefit residential and business consumers for reasons inclusive of public safety. |
| 07/20/11 | DTC | WT 11-65 | Ex Parte Comments | The MDTC filed a redacted version of its AT&T Reply Comments and disputes the confidential treatment of previous filing. Cover letter and Redacted are separate links. |